

S U M M A R Y

FILE NO. 2205

Thomas Guide Map No. 778

Date Received: 07/01/05

Date Completed: 07/06/05

Date Distributed: 07/07/05

ENTITY City of Black Diamond

Date Filed:

ACTION Petition for Land Annexation

Expiration 45 Days: 08/15/05

TITLE NW Section 27 Annexation

Board Meeting: 08/11/05

Introduction:

The City of Black Diamond has proposed annexation of the entire West Annexation Area as a series of coordinated Notices of Intention. The annexation includes three separate parcels comprising a total area of 350 acres. These sites are identified as West Section 15 (File No. 2203); North Triangle (File No. 2204); and NW Section 27 (File No. 2205).

Each of the three separate sites is proposed under a distinct Notice of Intention, pursuant to the Boundary Review Board Rules of Practice and Procedure which require that a Notice of Intention describe no more than one parcel of land. This Summary reports on the NW Section 27 (File No. 2205).

Site Location

The NW Section 27 site is located contiguous to the southwestern boundary of the existing City of Black Diamond. The site is generally bordered on the east by 236th Avenue SE (if extended). The southern and western boundaries are formed generally by SE 354th Street. The northern boundary is generally formed by SE Green Valle Road. The western boundary is formed generally by 241st Avenue SE (if extended).

Land Area

Nine acres

Existing Land Use:

Vacant Land (primarily timberland)

Proposed Land Use:

There is no presently proposed land use for the NW Section 27

Note: See City Zoning Designation below for permitted uses

Population

Unpopulated at present.

Assessed Valuation

\$4,214.00

County Comprehensive Plan Designation

Urban Reserve

County Zoning

Urban Reserve (with P-Suffix)

City Comprehensive Plan

Proposed: Mixed Use District (Permitting Residential Uses, Limited Commercial Uses); Medium Density Residential; Business Park; Light Industrial; Public Open Space

City Zoning

Proposed: Master Planned Community; Open Space

District Comprehensive Plan Not applicable

District Franchise The City has franchise agreements in place to address services within City limits. Upon annexation, the NW Section 27 Annexation Area would be covered by these franchise agreements.

Urban Growth Area (UGA) The entire proposed NW Section 27 Annexation Area is located within the UGA designated under the Growth Management Act (GMA)

SEPA Declaration State law (SHB 2176) and SEPA Rules (WAC 197-11-800) exempt annexations to cities from environmental review. Environmental review will be required for future NW Section 27 development pursuant to SEPA Rules.

ENTITIES/AGENCIES NOTIFIED:

King County Council Member(s): David Irons

King County: Clerk of Council, Department of Assessments, Fire Marshal, Health Division, State Department of Ecology, Puget Sound Regional Council, Municipality of Metropolitan Seattle (Metro)

Cities: Not applicable

Fire Districts: King County Fire Protection District No. 17; City of Black Diamond Fire Department

Water Districts: City of Black Diamond Water Utility

Sewer Districts: City of Black Diamond Sewer Utility

School District: Auburn School District No. 408

SUMMARY – File No. 2205

The City of Black Diamond proposes the addition of the NW Section 27 Annexation Area. The NW Section 27 Area is a nine acre portion of the entire West Annexation Area (350 acres). The West Annexation Area is composed of three distinct sites – the North Triangle, West Section 15, and NW Section 27. The properties are owned by Plum Creek Timber Company.

This Summary reports on NW Section 27 (File No. 2205). The NW Section 27 site is located contiguous to the southwestern boundary of the existing City of Black Diamond. The NW Section 27 site is located contiguous to the southwestern boundary of the existing City of Black Diamond. The site is generally bordered on the east by 236th Avenue SE (if extended). The southern and western boundaries are formed generally by SE 354th Street. The northern boundary is generally formed by SE Green Valle Road. The western boundary is formed generally by 241st Avenue SE (if extended).

The City of Black Diamond reports that the annexation is based upon a petition by Plum Creek Timber Company. The City reports that the intention of the proposed action is to bring the Annexation Area under the jurisdiction of the municipality for the purpose of land use planning, development and provision of services. The Black Diamond City Council adopted the NW Section 27 Annexation Area proposal in June 2005.

The City of Black Diamond reports that the NW Section 27 Annexation is consistent with the State Growth Management Act provisions (e.g., RCW 36.70.A.210.3.b.) calling for incorporation of territory and establishing cities as the appropriate jurisdiction to govern urban areas.

The NW Section 27 Annexation proposal is reportedly also consistent with King County Comprehensive Plan/Countywide Planning Policies for annexation. Numerous Countywide Planning Policies are germane to the proposed action. For example, several King County policies call for contiguous orderly growth of local jurisdictions and for local services to urban areas. King County Countywide Planning Policies also establish cities as the appropriate providers of local governance and urban services. The following policies support the proposed NW Section 27 Annexation:

FW-13: Cities are the appropriate providers of local urban services to Urban Areas.

LU-31: The County should identify urban development areas within the Urban Growth Area.

LU-32: The County should encourage cities to annex territory within their designated potential annexation area.

LU-33: Land within a city's potential annexation area shall be developed according to local and regional growth phasing plans.

U-102: Annexation of lands should respect topographic features.

U-201: Annexation of urban areas should be promoted to permit King County to direct services to the region and to rural areas.

U-203: Population growth should be encouraged in Urban Growth Areas.

U-207: King County shall work with cities to jointly develop pre-annexation agreements to address transition of services from county to cities.

RP-202: King County shall implement policies for Potential Annexation Areas through inter-local agreements.

Similarly the proposed NW Section 27 Annexation is reported to be consistent with the Black Diamond Comprehensive Plan Policies. The unincorporated area is included in the "Annexation Element" of the City of Black Diamond Comprehensive Plan and is located within the Black Diamond Potential Annexation Area (West Annexation Area). More specifically, the proposed action is reportedly consistent with City of Black Diamond Comprehensive Plan policies addressing annexation, including those provisions which call for the City to:

- Accommodate urban growth; and
- Protect critical areas from inappropriate development; and
- Protect and retain community character; and
- Efficiently provide urban services with the Urban Growth Area.

In addition to ensuring that NW Section 27 complies with Black Diamond's general Comprehensive Plan policies, the City of Black Diamond has established an Urban Growth Area Agreement with King County (adopted by King County through Ordinance No. 12534). This Agreement is established for the purpose of requiring a future Development Agreement between the City of Black Diamond and The Plum Creek Timber Company that specifically establishes allowed uses, development standards, and mitigation measures based upon community interests and service needs/resources.

Currently, no specific development is proposed for the NW Section 27 Area. Annexation of NW Section 27 at this time will allow the City and property owners/developers to plan for future development of a Master Planned Community that would permit those residential uses, commercial uses, and industrial uses appropriate for this Urban Area. Then, future proposed development will be required to be designed, implemented and administered under the Black Diamond Urban Growth Area Development Agreement.

The NW Section 27 Annexation Area will also be administered under the Black Diamond Open Space Protection Agreement (adjunct to the Black Diamond Urban Growth Area Agreement), which provides for preservation of more than 2500 acres of open space within and adjacent to the existing City of Black Diamond. Approximately 63.3 acres of this open space will be located within the proposed West Annexation Area (including the NW Section 27 Annexation Area). For example, plans can be established for urban-density residential uses through such programs as a transfer of development rights which direct development to suitable areas and which create significant continuous open spaces. Open space lands can be retained and/or preserved as parks, trails, and recreation areas. Management of open spaces will occur under Development Agreement standards that address critical areas (e.g. steep topography, sensitive habitat).

As prescribed by SEPA Rules (WAC 197.11), the City of Black Diamond conducted environmental review for the West Annexation Area (including NW Section 27) in conjunction with the preparation of the City's Comprehensive Plan Environmental Impact Statement. Environmental review is not required for land annexation (RCW 43.21C.222). However, environmental review will be conducted for future development in accord SEPA Rules.

Further, the City of Black Diamond is preparing local governing ordinances to address potential development requirements (e.g., master planned community), subdivision of lands, protection of critical areas, and establishment of public service standards. These standards will be applicable to future development of the NW Section 27 Annexation Area, in support of the Black Diamond/King County Development Agreement.

The City will provide (directly or by contract) all public services and facilities, including water, sewers, storm water management, and transportation systems and services. The City has conducted technical analyses and fiscal studies which indicate sufficient resources to serve the entirety of the West Annexation Area (including NW Section 27) at full development.

The City will also provide police service and fire service to the NW Section 27 Annexation properties. Area residents would have access to schools in the Auburn School District. King County library facilities and regional and local recreation facilities would be available to residents of the area.

City of Black Diamond officials report that the NW Section 27 Annexation Area (as it is currently vacant) will generate limited costs for governance and service. Although it is not now possible to provide an assessment of costs for future governance and service, the City will require a detailed fiscal analysis and funding plan in conjunction with a future proposal for development. Based upon the fiscal study findings, the City and property owners/developers may share initial costs for initial establishment of services and facilities. Upon development, property owners would be expected assume their share of the regular and special levy rate of the City. Residents and commercial users could then be expected to support a substantial portion of on going service costs. Costs for service to this area are not expected to have a significant impact on cost and adequacy of services, finances, debt structure or rights of other governmental units. If costs exceed expectations, the City may consider a variety of mitigation measures including – but not limited to – adjusting service levels or costs for services.

City of Black Diamond representatives report that the proposed NW Section 27 Annexation is consistent with the provisions of Chapter 36.93 RCW (Boundary Review Board Regulations). More specifically, RCW 36.93.180 requires that annexations be evaluated with respect to nine objectives. In this application, the City of Black Diamond has stated that several key objectives have been identified as being potentially relevant for specific consideration, including:

- Objective 1: Preservation of neighborhoods;
- Objective 2: Use of Physical Boundaries;
- Objective 3: Creation and preservation of logical service areas;
- Objective 4: Prevention of abnormally irregular boundaries;
- Objective 7: Adjustment of Impractical Boundaries;
- Objective 8: Annexation to Cities of Unincorporated Areas Which are Urban in Character;
- Objective 9: Protection of Agricultural and Rural Lands.

For example, City of Black Diamond representatives report that the NW Section 27 Annexation would be consistent with Objective 1, which calls for the preservation of neighborhoods as this Area is linked to Black Diamond by natural features and resources, permitted and future land uses, community facilities, and public service requirements/providers. Pursuant to Objective 2, similar natural/built geographic features (e.g., topography, environmentally sensitive areas, access routes) serve as the physical boundaries which characterize the existing City of Black Diamond and the NW Section 27 Annexation Area.

This annexation would also reportedly be consistent with Objective 3, which calls for creation of logical service areas, and Objectives 4/7, which call for the achievement of reasonable boundaries for a jurisdiction.

Similarly the NW Section 27 annexation would be consistent with Objective 8, which calls for inclusion of urban areas within municipalities. Pursuant to Objective 9, which calls for protection of agricultural and rural lands, the proposed annexation provides for the logical extension of urban development and services within Black Diamond UGA, thereby relieving pressure for conversion of surrounding agricultural and rural land outside of the UGA. Consistent with the Black Diamond/King County Development Agreement, no less than 4 acres of open space within/adjacent to the City will be permanently protection in exchange for each acre of property annexed for development. This Agreement will protect important rural lands along Ravensdale Creek and the Green River.

Property owners are seeking annexation in order that future development, services, and amenities may be efficiently coordinated by a single local government. King County supports this proposed action as being consistent with the County's Annexation Initiative encouraging the immediate transition of urban areas from the County to local jurisdictions.